



## **Ordinance Number 550 As Amended**

**AN ORDINANCE AMENDING CHAPTER 60 OF THE CODE OF THE TOWN  
OF ELSMERE BY ESTABLISHING A FINE FOR THOSE WHO RECEIVE A  
PERMIT BUT FAIL TO COMPLY WITH THE AUTHORIZED ACTIVITY OF  
THAT PERMIT**

Sponsored By: Mayor Deborah A. Norkavage  
2nd District Councilman Steven Burg

First and Second Reading:  
March 08, 2012

Results: Passed 5 In Favor, 1 Opposed with 1 Vacant

Third and Final Reading:  
April 12, 2012

Results: Passed 6 In Favor, 0 Opposed with 1 Absent

# **Ordinance Number 550**

## **As Amended**

### **AN ORDINANCE AMENDING CHAPTER 60 OF THE CODE OF THE TOWN OF ELSMERE BY ESTABLISHING A FINE FOR THOSE WHO RECEIVE A PERMIT BUT FAIL TO COMPLY WITH THE AUTHORIZED ACTIVITY OF THAT PERMIT**

**WHEREAS**, the Mayor and Council wish to establish penalties for those who obtain a permit for one thing but go on to do something different than they requested in the permit.

### **NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF ELSMERE AS FOLLOWS:**

That Chapter 60 of the Code of the Town of Elsmere be amended by adding a new section to be known as "Article III Fines For Failing to Comply With The Intent of a Permit", which is to read as follows:

- 60-8.           A.     Any person who obtains a permit for a specific activity and after receiving that permit goes on to take an action which is not authorized by the permit shall be guilty of failing to comply with the intent of a permit and shall be penalized as follows.
- (1)     The issued permit shall be revoked; and
  - (2)     The work site shall be returned to the condition it was in prior to the permit being issued; and
  - (3)     The person shall be required to re-apply for the permit; and
  - (4)     For a first offense the property owner shall pay a fine of \$250.00.
- B.     For a second or subsequent offence occurring within one year of a first offense the following penalties shall be imposed.
- 1.       The issued permit shall be revoked; and
  - 2.       The work site shall be returned to the condition it was in prior to the permit being issued; and

3. The property shall be prohibited from being issued any type of permit for a period of one year from the date of the second or subsequent offense unless in the opinion of the Code Enforcement Officer an emergency exists which necessitates the issuance of a permit; and
4. The property owner shall pay a fine of \$500.00.

\_\_\_\_\_  
March 08, 2012  
First and Second Reading

\_\_\_\_\_  
April 12, 2012  
Third and Final Reading

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Deborah A. Norkavage, Mayor

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Joann I. Personti, Secretary

Approved as to form:

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Town Solicitor

**SYNOPSIS**  
**ORDINANCE 550**  
**As Amended**

This Ordinance establishes penalties for failing to comply with the activity authorized by a permit

**Fiscal Impact:**

None